

CHAPTER 2.

**WRIT OF ERROR TO COURT OF CIVIL APPEALS BY  
APPEARING PARTY ABOLISHED.**

S. B. No. 69.]

An Act providing that no party who participates either in person or by his attorney in the actual trial of the case in the trial court shall be entitled to review by the Court of Civil Appeals through means of writ of error; providing for a repeal of all laws and parts of laws insofar as they conflict with this Act or repeal; providing that writ of error shall continue to be available under the rules and regulations of the law, to a party who does not participate in the trial of the case in the trial court; providing for the effective date of this Act, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. No party who participates either in person or by his attorney in the actual trial of the case in the trial court shall be entitled to review by the Court of Civil Appeals through means of writ of error.

SEC. 2. All laws and parts of laws, insofar as they conflict with this Act, are repealed. Writ of error shall continue to be available under the rules and regulations of the law to a party who does not participate in the trial of the case in the trial court.

SEC. 3. It is hereby provided that this Act shall take effect from and after January 1, 1940.

SEC. 4. The need that delay of justice be not caused by parties who should reasonably use appeal instead of writ of error and the near approach of the end of the session creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is suspended and this Act shall take effect from and after its passage, and it is so enacted.

[NOTE.—S. B. No. 69 was passed by the Senate February 9, 1939, by a viva voce vote; passed the House March 15, 1939, by a vote of 119 yeas, 6 nays; was returned from the Governor's office March 27, 1939, by authority of S. C. R. No. 24; passed the House, as amended, May 2, 1939, by a vote of 110 yeas, 2 nays; the Senate on May 3, 1939, requested the appointment of a Conference Committee; Conference Committee Report was adopted by both the Senate and House May 12, 1939, by a viva voce vote; was received from the executive department with the Governor's veto message on May 29, 1939; passed the Senate May 29, 1939, by a vote of 17 yeas, 8 nays, notwithstanding the Governor's veto; passed the House May 31, 1939, by a vote of 106 yeas, 23 nays, notwithstanding the Governor's veto.]

Filed June 1, 1939 in the office of the Secretary of State.  
Effective January 1, 1940.